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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,922	06/09/2000	Saeed Shafiyen-Rad	00AB045	3172

7590 03/29/2004

John J Horn
Allen-Bradley Company Inc
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Milwaukee, WI 53204

EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,922

Applicant(s)

SHAFIYAN-RAD ET AL.

Examiner

Phung T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37.CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 6-9, and 15-18 is withdrawn in view of the newly discovered reference(s) to Electro-tech systems, Inc. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-11, 15, 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Electro-tech systems, Inc. (ETS) “Ground strap testers” (09/1997).

Regarding claim 1: ETS discloses the Utility Wiring Verifier/ AC Outlet tester (Model 256) comprising a housing having a first side extending generally between second and third sides; and at least one elongated strip of substantially translucent material extending through the first side and at least the second sides so that part of the strip is visible at the first side and the at least one of the second and third sides (see P3 enlarged Figure, col. 1, paragraph 2, and col. 2, paragraph 2).

Regarding claim 2: ETS discloses including a light source operatively associated with the at least one elongated strip so that light from the light source illuminates the at least one elongated strip as shown in P3 enlarged Figure.

Regarding claim 4: ETS discloses the claimed whereby the at least one elongated strip is visible along the first side, the second side, and the third side as seen in P3 enlarged Figure.

Regarding claim 5: ETS discloses the second and third sides are opposed sides of the housing, see P3 enlarged Figure.

Regarding claim 6: ETS discloses each of the at least two elongated strips extending through the first side and at least one of the second and third sides so that part of each the elongated strips is visible at the first side and the at least one of the second and third sides, a partition of a substantially opaque material separating the at least two elongated strips as shown in P3 enlarged Figure.

Regarding claim 7: ETS discloses including a different light source operatively associated with each of the at least two elongated strips as seen in P3 enlarged Figure, col. 1, paragraph 2.

Regarding claim 8: ETS discloses wherein each of the at least two elongated strips extends completely through the housing from the second side through to the third side and is exposed at the first side as shown in P3 enlarged Figure.

Regarding claim 9: Refer to claim 5 above.

Regarding claim 10: ETS discloses the at least elongated strip has an outer extent that substantially conforms to the contour of an adjacent outer sidewall portion of the housing as seen in P3 enlarged Figure.

Regarding claim 11: All the claimed subject matter is already discussed in respect to claims 1 and 6 above.

Regarding claim 15: Refer to claim 6 above.

Regarding claim 16: Refer to claim 7 above.

Regarding claim 19: Refer to claim 10 above.

Regarding claim 20: All the claimed subject matter is already discussed in respect to claims 1 and 2 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 12, 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Electro-tech systems, Inc. (ETS) "Ground strap testers" (09/1997).

Regarding claim 3: ETS discloses the Utility Wiring Verifier/ AC Outlet tester (Model 256) comprising the visual indicators as seen in P3 enlarged Figure but does not specifically teach the light source has an illuminated condition and non-illuminated condition, each condition being indicative of an operating condition of the indicator apparatus as claimed. Since the indicator device of ETS will illuminate and remain lit for as long as the TEST button is depressed (col. 1, lines 30-32). It would have been obvious to one of ordinary skill in the art to readily recognize that the indicator apparatus of ETS does have an illuminated condition and non-illuminated condition, each condition being indicative of an operating condition of the indicator apparatus also.

Regarding claim 12: Refer to claim 3 above.

Regarding claim 13: ETS discloses the claimed wherein the at least one elongated slot extend completely through the housing from the second side through to the third side, whereby translucent material is visible at the first side, the second side, and the third side as seen in P3 enlarged Figure. ETS does not specially teach providing an opening along the first side as claimed. However, as seen the enlarged figure, one skilled in the art would have clearly recognize that the elongated slots of the device of ETS do provide an opening along the first side so that one can easily change the light bulb in case it burned out in order to eliminate the need of special tools to open it.

Regarding claim 14: ETS discloses wherein the second and third sides are opposed sides of the housing as shown in P3 enlarged Figure.

Regarding claim 17: Refer to claim 13 above.

Regarding claim 18: Refer to claim 14 above.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schnerder et al. (U.S. Pat. Des. 391,182) in view of Electro-tech systems, Inc. (ETS) "Ground strap testers" (09/1997).

Regarding claim 21: Schneider et al. disclose indicator for locating proximity sensors comprising a proximity sensor for sensing the proximity of an object; an indicator housing having an outer sidewall portion with a plurality of sides, and the light source being activated based on an operating condition of the proximity sensor system as shown in figures 1-7.

Schneider et al. do not teach at least one elongated strip of substantially translucent material extending through at least one side of the side wall portion through another side of the sidewall

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portion so that part of the strip is visible at the at least one side and the another side of the side wall portion. It is clear to see that the indicator in Schneider et al. is situated at the corner of the sensor housing which provides viewable indication from two sides viewing angles, see Figs 2 and 7. ETS also teaches a tester having three elongated strips substantially translucent material extending through one side of the sidewall through another side of the sidewall portion as seen in P3 enlarged Figure which provides three viewable sides. Since they both teach an indicator system which is visible from the at least two different sides, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the indicator of Schneider et al. with the illuminated strip with three viewing sides as taught by ETS in order to provide a more comprehensive indication scheme.

Conclusion

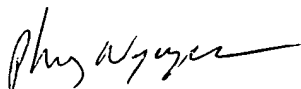
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Phung Nguyen

February 24, 2004



APPROVED:
JIN F. NG
DIRECTOR, TC 2600